

REMARKS

Claims 44-77 are in the case and presented for reconsideration.

Claims 44-52, 54-58, 60-64, 70 and 72-77 have been withdrawn as directed to a non-elected specie under examination.

Claim 53 is generic and claims 53, 59, 65-69 and 71 are directed to the elected specie under examination. Claim 53 has been amended to include the limitation that the composition consists essentially of a polyester and the additive that is capable of reacting with acetaldehyde to form a new carbon-carbon bond.

Rejections under 35 U.S.C. § 103

Claims 53, 59, 65-69 and 71 were rejected under 35 U.S.C. § 103 (a) as being obvious over Harashina et al. (U.S. 7,115,677). Applicant respectfully submits that the amendment overcomes this rejection.

The '677 patent discloses a flame retardant composition having a base resin, from 10 to 300 parts by weight a flame retardant, from 1 to 200 parts by weight of an inorganic filler that has been treated with a surface treating agent or sizing agent containing a novolak epoxy resin, and a styrenic resin, wherein the parts by weight are based on 100 parts by weight of the base resin. The flame retardant material comprises: (B1) at least one member selected from a polyphenylene oxide resin or a polyphenylene sulfide resin; (B2) a phosphoric ester, and (B3) a salt of a nitrogen containing cyclic compound having an amino group with an oxygen acid, an organic phosphoric acid or an organic sulfonic acid. The inorganic fiber includes such materials as glass fibers, asbestos fiber, silica fiber, silica-alumina fiber, zirconia fiber, potassium titanate fiber, metal fiber, glass flake, mica, and the like.

The purpose of the '677 patent was to provide a flame-retardant resin composition in which dripping is inhibited and one in which a halogen-containing compound is not used without deteriorating the mechanical properties of the resin.

Applicants submit that the amendment to claim 53 overcomes this cited reference. Applicants have restricted the claimed invention to a polyester composition consisting essentially of a polyester and at least one additive that is capable of reacting with acetaldehyde to form a new carbon-carbon bond. Applicants submit that the flame retardant materials and inorganic

fillers treated with a novolak epoxy resin as specified in the '677 reference would materially change the presently claimed polyester composition and therefore are outside of the scope of the presently claimed invention.

Applicants further submit that the '677 does not teach or suggest to one skilled in the art the presently claimed invention of a polyester having at least one additive that is capable of reacting with acetaldehyde to form a new carbon-carbon bond.

For the reasons above, Applicants submit that claims 53, 59, 65-69 and 71 are patentably distinguishable over U.S. 7,115,677 and respectfully request that the 35 U.S.C. § 103 (a) rejection be withdrawn and the application be passed to allowance at the examiner's earliest convenience.

Respectfully submitted,



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